

NO. 24070

IN THE SUPREME COURT OF THE STATE OF HAWAII

MARSHALL MARTINEZ, Plaintiff-Appellee

and

JOHN NIHIPALI, LIKI LIKI, JR., JACKSON RAYMOND,
JAMES V. SOUZA, and ATNHONY BASQUE, Plaintiffs,

vs.

STEVEN W. POLLARD, BARRY J. COYNE, and
STATE OF HAWAII, Defendants-Appellants

APPEAL FROM THE FIRST CIRCUIT COURT
(CIV. NO. 99-3145)

ORDER DISMISSING APPEAL
(By: Moon, C.J., Levinson,
Nakayama, Ramil, and Acoba, JJ.)

Upon review of the record, it appears that: (1) the circuit court's January 12, 2001 order dismissing Civil No. 99-3145, the Honorable Eden Elizabeth Hifo, presiding, has not been reduced to a separate judgment, as required by HRCP 58; see Jenkins v. Cades Schutte Fleming & Wright, 76 Hawaii 115, 869 P.2d 1334 (1994); Price v. Obayashi, 81 Hawaii 171, 176, 914 P.2d 1364, 1371 (1996); and thus, (2) this appeal is premature and we lack jurisdiction. Therefore,

IT IS HEREBY ORDERED that this appeal is dismissed for lack of appellate jurisdiction.

DATED: Honolulu, Hawaii, August 7, 2001.